

Ar 31. (Newly Added) The car body according to claim 29, wherein said aluminum is non-leafing aluminum.

REMARKS

Claims 7 and 21- 31 are pending in the present application. Claims 9-10 and 13-14 are rejected under 35 U.S.C. §112, second paragraph. Claims 13 and 14 are rejected under 35 U.S.C. §112, fourth paragraph. Claim 7 is rejected under 35 U.S.C. §102(b) as anticipated by radiance. Claims 8 and 11-14 are rejected under 35 U.S.C. §103(a) as obvious over J.C. Whitney & Co. in view of Radiance. Claims 9-10 are rejected under 35 U.S.C. §103(a) as obvious over Radiance or J.C. Whitney & Co. as modified by Radiance and further in view of Williams, Jr. et al. or alternatively Hashizume et al.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejects claims 9-10 and 13-14 under 35 U.S.C. §112, second paragraph as indefinite. As these claims are cancelled a discussion of these rejections is moot.

Rejections Under 35 U.S.C. §112, Fourth Paragraph

The Examiner rejects claims 13 and 14 under 35 U.S.C. §112, fourth paragraph as failing to further limit the claims from which they depend. As these claims are cancelled a discussion of these rejections is moot.

Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claim 7 under 35 U.S.C. §102(b) as anticipated by Radiance. Applicants respectfully traverse this rejection. The Manual for Patent Examining Procedure sets forth the standard for rejecting a claim as anticipated as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP §§ 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP §§ 2131.01.

Independent claim 7 recites that the metallic pigment is aluminum. This limitation is not taught by the cited art. Rather, the cited art teaches zinc pigment on an underside of the attic and deck pigment. Accordingly, as the cited art fails to teach all of the claim limitations, it is respectfully requested that all rejections under 35 U.S.C. §102(b) be withdrawn.

Newly Added Claims

It is respectfully submitted that the newly added claims are allowable over the cited art. Claims 21 and 22 are allowable for depending from claim 7 and reciting aluminum. Claims 26-28 are allowable for reciting aluminum, either directly, or indirectly.

Newly Added claim 23 recites, in part:

a metallic pigment containing film having an IR reflecting function on the inner surface thereof,

wherein an upholstery is disposed to the side on which said coating film has been disposed and wherein said metallic pigment is aluminum.

and newly added claim 29 recites, in part:

a plate having a first side;

a metallic pigment-containing coating film having an IR reflecting function disposed on the first side of the plate;

an upholstery disposed on the coating film, wherein said metallic pigment is aluminum.

These limitations are not taught by the cited art. The present invention is limited to the method wherein the upholstery is disposed adjacent to the side of the plate on which the coating film has been disposed. By applying this method for the production of the car body, the heat-barrier effect is not sacrificed. In addition, this method is advantageous not only in that an unrestricted freedom in design of the coated side is insured but also in that the desired heat-barrier effect can be realized without compromising the interior decoration (see specification page 13, lines 12-19).

In both Radiance's method and J.C. Whitney's method, the heat-shielding layer is formed after the car is constructed. Thus, the effect that the desired heat-barrier effect can be realized without compromising the interior decoration is not obtained by the method of Radiance and J.C. Whitney.

Further, the coating produced by Radiance Co. contains zinc sulfide as an infrared reflecting particle. Zinc sulfide has a high infrared reflecting function, but it also has a high infrared radiation function, which causes an undesirable effect for the object of the present invention.

However, aluminum used in this invention has not only a high infrared reflecting function but also a low infrared radiation function. Thus, the coating film

obtained according to this method of this invention can reduce a radiation of heat more efficiently than the coating film obtained using the coating produced by Radiance Co.

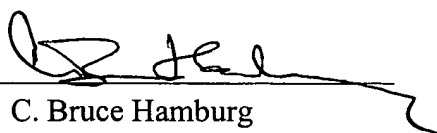
Williams Jr. never disclosed the desired heat-barrier effect without compromising the interior decoration. Even considering Williams, Jr.'s as prior art, one of ordinary skill in the art could not achieve the present invention.

Fees

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$110.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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APPENDIX I**AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN
BY BRACKETS AND UNDERLINING**

7. (Amended) A heat-shielding method which comprises forming a metallic pigment containing coating film having an IR reflecting function on one side of a coated plate and disposing said coated plate in a position such that said coating film is on the side not exposed to infrared light,

wherein in said coated plate is a car body and an upholstery is disposed adjacent to the side on which said coating film has been disposed and wherein said metallic pigment is aluminum.